

DBT
IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN

DISTRICT OF PENNSYLVANIA

FILED

EDDY FELIZ
PLAINTIFF

V.
THE KINTOCK GROUP, et al.,
DEFENDANTS

JUN 9 2004
MICHAEL E. KONZ, Clerk

42 U.S.C. § 1983
CIVIL ACTION
A.D.A. 1990.

No. 02-CV-3541

Dep. Clerk
HONORABLE
PETRESE B. TUCKER
ROOM: 3810

MOTION FOR A
TEMPORARY RESTRAINING ORDER/ PRELIMINARY
INJUNCTION

PLAINTIFF, EDDY FELIZ - PRO-SE, (I.F.R.) WHO
SEEKS A RESTRAINING ORDER IN ACCORDANCE WITH
RULE 65 (b), (d) RULES OF CIVIL PROCEDURE, ETC.

PLAINTIFF STATES; ABOVE CAPTIONED DEFEN-
DANTS, THEIR AGENTS, CONTRACTUAL PARTNERS ("BUREAU
OF COMMUNITY CORRECTIONS") EMPLOYEES, AND ALL
OTHER PERSONS ACTING IN CONCERN AND PARTICI-
PATION WITH DEFENDANTS, TO; CEASE/REFRAIN FROM
DENYING DUE PROCESS, ACCESS TO PRIVILEGES, RECEIVING
PAROLE, AS RETALIZATION FOR CIVIL OR APPROPRIATE RELIEF
IN REGARDS TO THE KINTOCK GROUP. IMMEDIATELY RELEASE
PLAINTIFF TO GENERAL POPULATION, TO AWAIT PAROLE OR TRANSFER
TO SCI-CENTER GRATERFORD, PHILA (FED) DETENTION CENTER.

PLAINTIFF: ALLEGES AS FOLLOWS:

RECEIVED

JUN 14 2004

TUCKER, PETRESE B.

THE COURT
CLERK
C.C. FILE

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DECLARATIONPAGE 1

I, EDDY FELIZ DECLARE UNDER PENALTY OF PERJURY:

1). AS PLAINTIFF OF THE CAPTIONED CASE MAKE THIS DECLARATION IN SUPPORT OF THE MOTION FOR A TEMPORARY RESTRAINING ORDER. TO HELP REDUCE OR MINIMIZE THE ACTIONS THAT ARE RETALIATORY THAT HAVE AND WILL CONTINUE TO BE IRREPARABLE INJURY WITH OUT AN INJUNCTION, AND ALLOW PLAINTIFF RELEASE ON PAROLE.

1-A). SINCE 2001 I HAD ATTEMPTED TO RECIEVE MY W-2 FORMS TO COLLECT MY I.R.S. RETURN REFUND FROM CLEARWATER, FLORIDA EMPLOYER'S MAIN OFFICE - LETTERS DISAPPEARED/NO REPIES. THE IRS PROVIDED THE W-2 INFORMATION ON 12-3-03. MY EXPOSURE AND KNOWLEDGE OF THE DEFENDANTS (9 MONTHS) PROLIFIC-EXPERTISE-SKILLS ON THE COMPUTER AND VINDICTIVE PERSONALITIES BELIEVE THEY ARE PREVENTING THE ISSUANCE OF THE I.R.S. CLAIM. THEY HAVE EVERY CRITICAL FACT OF INFORMATION THAT PERTAINS TO MY IDENTITY. I HAD THE INCOME TAX RETURN FILED AND "I MAILED IT CORRECTLY" ON 1-10-04 AND ASKED FOR ACKNOWLEDGE, RECIEVED NONE. I WROTE BOTH BRANCHES IN PHILADELPHIA IN APRIL - NO RESPONSE TO A THIS DATE 6-2-04. IT'S THE MAIL ROOM HERE OR THEY HAVE BOUGHT INFLUENCE AT THE BRANCHES.

2). I WAS APPROVED FOR PAROLE AUGUST 13, 2003 BY UNIT MANAGEMENT: BEN BARSH, MR. SIMON, STEVEN NASH NAST, ROBERT WIENCKOSKI. ON AUGUST 22, 2003 MR. OLUDOLAPO KALE M.D. PROVIDED A PSYCH EVALUATION & ALSO APPROVED PAROLE THEN SIGNED BY THE SUPERINTENDENT IN SEPT. DENIED PAROLE NOV 18, 2003 - NO REASON PAROLE EXAMINER CLAIMED I SHOULD COMPLETE MY SENTENCE - MR. ZIGAFUS.

3). AFTER INITIAL DALLAS PAROLE HEARING 11-21-01 COUNSELOR LOPOTHOVSKI STATED: "THEY DONT WANT YOU TO GET OUT ON PAROLE" THE NEXT HEARING MAY 2003 PAROLE DENIED ONE RATIONALE TO RE-AFFIRM DEC 2001 DECISION. EXHIBITS DESCRIBE PAROLE.

4). I WAS APPROVED MARCH 23, 2004 BY OLUDOLAPO KALE, M.D. PSYCH EVAL FOR PAROLE. ON APRIL 13, 2004 BEN BARSH, JAMES KAMINSKI, ROBERT WIENCKOSKI APPROVED PAROLE. ON APRIL 21, 2004 I RECIEVED A NOTICE TO APPEAR/ATTEND A MATH CLASS - I HAD WRITTEN TO THE WARDEN BECAUSE OF THE LACK NO AVAILABILITY TO ATTEND CLASSES - I THOUGHT HE DID IT. I HAD BEEN REMOVED IN JANUARY - DENIED COLLEGE/VOCATIONAL OVER A YEAR.

5). I WROTE A REQUEST OF DISPLEASURE THAT I WOULD BE FILING A GRIEVANCE TO CENTRAL OFFICE BECAUSE THE CLASS WOULD BENEFIT ME AT THE JOB AWAITING IN SOCIETY ASSEMBLING TELEPHONES. THE REQUEST WAS USED TO DENY PAROLE IN JULY, TAKEN, COMPLETELY OUT OF CONTEXT. 90 DAYS IN SOLITARY, LOSS OF JOB, "FUTURE IMPACT WITHOUT T.R.O." - DENIAL OF PAROLE. RELIEF SHOULD BE GRANTED.

- 6). THE REQUEST; UNDER THE CIRCUMSTANCES WARRANTED THAT THE UNIT MANAGEMENT TEAM UTILIZE THE INFORMAL RESOLUTION, REGARDING ACADEMIC ISSUES. THE ACTION BY LIEUTENANT LEWINSKI KNOWING PLAINTIFF WAS JUST RECENTLY APPROVED FOR PAROLE HAD ME PLACED IN THE R.H.U. WITHOUT ANY INVESTIGATION NO DUE PROCESS.
- 7). EXAMINER JONES ON 4-29-04 REFUSED TO CALL ANY OF THE PROPERLY REQUESTED WITNESSES, NOR WOULD HE CALL SGT. JASTERMESKI THAT ESCORTED ME TO THE SECURITY OFFICE WHERE WE ONLY STOOD FOR 3-4 SECONDS BEFORE SENDING TO R.H.U. STATED FALSELY ON HIS DECISION SHEET (ENCLOSED) "INMATE DID NOT SUBMIT ~~WITNESS~~ WITNESS FORM" (ORIGINALLY TO JUSTIFY WITNESS REFUSAL). THEN USED THE SPECIFIC SECRETE (CODE) LETTERS "ERB" ON # 67146 (ENCLOSED) TO CALL ERB TO CONFER SOMETHING, I QUESTIONED THE ACT. HE THEN STARTED TO CONVINCE/COERCE ME TO ADMIT TO BEING THE AUTHOR, TO REDUCE THE CHARGES. SO I ONLY ADMITTED TO BEING THE AUTHOR. I HAD ALREADY TOLD HIM OF THE JULY PAROLE BEFORE HE PICKED UP THE PHONE. BUT HE STILL GAVE ME 90 DAYS, LOSS OF JOB, AND TO EFFECTIVELY DENY PAROLE BY ALL THE CLEAR VIOLATIONS.
- 8). THE PROGRAM REVIEW COMMITTEE (APPEAL REVIEWS) REFUSED TO INVESTIGATE OR ADDRESS THE ISSUES AS THEY ARE MANDATED TO DO BY (ADM 801 PAGE 8-9 (ENCLOSED) OR REDUCE THE 90 DAYS TO 60 TO EFFECTUATE PAROLE. ALL APPEALS IN CONCERN OF 67146 ARE ATTACHED, THE WARDEN FOLLOWED THE SAME PATH AS P.R.C. REFUSED TO ADDRESS OR ANSWER THE ISSUES OR INVESTIGATE (ERB) DENIAL OF WITNESSES, ETC, THE ENTIRE POLICY IS UNCONSTITUTIONAL.
- 9). I WAS ~~SEE~~ SINGLE HOUSED BEFORE MY CONVICTION 4-20-94, BY 5-94 AT CENTRAL (CENTRAL OFFICE ADMINISTRATION) CLASSIFICATION AT CAMPHILL-(STATE AUTHORITY) CLASSIFIED ME STATUS O-Z BY THE CHIEF PSYCHIATRIST, ETC HOUSED OVER 10 YRS IN SINGLE CELL O-Z STATUS UNTIL THIS COUNSELOR "A. LOPOHOVSKI" KEPT TRYING TO FIND A WAY TO GET ME BACK TO R.H.U. HE HAD ME REMOVED FROM THE MENTAL HEALTH UNIT BY ALSO GETTING OTHERS TO AGREE THAT I DON'T NEED TO BE ON THE UNIT OR HAVE A Z-CODE WHEN HE DOES NOT DISPLAY CAMPHILL AUTHORITY TO SUGGEST SO. SINCE I WENT TO SCI-CHESTER IN MAY 1998 FROM THIS PRISON, MY FILE WAS SUPPOSE TO BE UPDATED. A. LOPOHOVSKI REFUSED TO DO IT, AND KEPT PUTTING MUSLIMS IN MY CELL TO CAUSE VIOLENT CONTRONTATION LIKE 1993 HOLMSBURG.
- 10) THE ACTIONS AGAINST ME WERE NOT MANIFESTED HERE THEY COME FROM THE BUREAU OF COMMUNITY CORRECTION (NOT D.O.C.) THE B.C.C. STEVEN BELLIO HALF WAY HOUSES THEY TOLD THE PAROLE BOARD THEY DONT INTEND ON SENDING ME TO A CENTER. WITH OUT MY I.R.S. REFUND, MY BOSS WILL NOT BE ABLE TO AQUIRE AN EFFICIENCY OF ROOM - I CAN BE SENT TO D.R.C. 2ND AND ARCH.

RELIEF SHOULD BE GRANTED

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THE STANDARD FOR A RESTRAINING ORDER

A). A RESTRAINING ORDER IS A EXTRAORDINARY REMEDY WHICH SHOULD BE GRANTED ONLY IN LIMITED CIRCUMSTANCES, AMERICAN TEL AND TEL. CO. V. WINBACK AND CONSERVY PROGRAM INC., 42 F. 3d 1421, 1426-27 (3rd) CIR.

A-1). A TEMPORARY RESTRAINING ORDER SHOULD ONLY BE SOUGHT WHERE IMMEDIATE RELIEF IS NECESSARY TO PREVENT IRREPARABLE INJURY.

RULE 65(B) F.R.C.P. PROVIDES PROCEDURAL AUTHORITY FOR SUCH A PLEA. A TEMPORARY RESTRAINING ORDER MAY BE GRANTED WITHOUT WRITTEN OR ORAL NOTICE TO THE ADVERSE PART OR THEIR ATTORNEY. THIS IS IN PART DUE TO THE FACT, (ALL INJUNCTIVE) RELIEF) A MOTION FOR A T.R.O. IS ADDRESSED TO THE SOUND DISCRETION OF THE COURT. USE OF SUBJECTIVE TEST WILL NOT FORECLOSE ON PROSPECTIVE RELIEF, NOR REQUIRE A PRISONER TO SUFFER ANY INJURY (PHYSICAL), BEFORE OBTAINING THE PROSPECTIVE RELIEF.

B). PENNSYLVANIA V. WEST VIRGINIA, 262 U.S. 553, 43 S.C.T. 658, 87 L.ED. 1117.

IN A SUIT FOR THE PROSPECTIVE RELIEF, THE SUBJECTIVE FACTOR, "DELIBERATE INDIFFERENCE", SHOULD BE DETERMINED IN LIGHT OF THE PRISON AUTHORITIES CURRENT ATTITUDES AND CONDUCT, HELLING V. MCKINNEY, 509 U.S. 25, 36, 113 S.C.T. 2475-82, 125 L.ED. 22, THEIR ATTITUDES AND CONDUCT AT THE TIME OF SUIT IS BOUGHT AND PERSISTING THEREAFTER.

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B).

LAW
SUPPORTING ~~ARGUMENTS~~
-DECLARATION-

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PROTECTED ACTIVITY WAS A SUBSTANTIAL/MOTIVATING FACTOR FOR THE STATE TO TAKE ADVERSE ACTION, SEE ANDERSON V. DAVILA, 125 F.3d 148, 160 (3rd CIR. 1997)-CITING MT. HEALTHY CITY Bd. OF ED. V. DOYLE, 429 U.S. 274, 287 (1977).

C). IN ATTEMPTING FOR A YEAR, REPEATEDLY SEEKING PROGRAMS, AND BENEFITS TO ENHANCE PAROLE ACCEPTANCE AND DENIED, THEN RETALIATED WITH SOLITARY (K.H.U.) CONFINEMENT, REMOVAL FROM A MORE JOB/DETAILED PAROLE IS CALCULATED PUNISHMENT, AGAINST PLAINTIFF. EVOLVING STANDARDS OF DELEGACY THAT MARK THE PROGRESS OF A MATURING SOCIETY. RHOES V. CHAPMAN, 452 U.S. 337, 101 S.Ct. 2392 (1981).

D). DALLAS OFFICIALS TOOK ACTION IN VIOLATION OF DUE PROCESS, FIRST, 14TH AMENDMENT, FOR WRITTING DISAPPROVAL OF THE BENEFIT OF BEING IN SCHOOL. OFFICIALS ~~FAKE~~ FAISIFYING DISCIPLINARY REPORT(S) TO PREVENT PAROLE, WITH HOLDING/DISCARDING PERSONAL MAIL, PLAINTIFF HAD PERSONAL PROPERTY DESTROYED ALSO. "NOR MAY A PUBLIC ENTITY PROVIDE SERVICES IN A MANNER DENYING DISABLED INDIVIDUALS EQUAL BENEFITS OF THE SERVICE", 28 C.F.R. ^{SS} 35.130(6)(1), SEE INNOVATIVE HEALTH SYSTEMS V. CITY OF WHITE PLAINS, 117 F.3d 37, 45 (2ND CIR. 1997), "TO CARRY OUT THE PURPOSE OF PROHIBITING DISCRIMINATION."

E). PLAINTIFF'S "ARRIVING" 6TH OR 7TH PAROLE HEARING IS SYSTEMATICALLY SUPPRESSED. ~~BECAUSE~~ ^{IN R.H.U.} THE PRISON REVIEW COMMITTEE DENIES THE PRISON'S RECOMMENDATION ONE OR TWO WEEKS BEFORE THE HEARING AND ~~PER~~ THE PLAINTIFF IS ESCORTED IN AN ORANGE JUMP SUIT WHILE HANDCUFFED ELIMINATING ANY PAROLE CHANCE.

NOTE: LAW (Parole) EVERY LAW THAT CHANGES THE PUNISHMENT, AND INFLECTS A GRATER PUNISHMENT, THAN THE LAW ANNEXED TO THE CRIME, WHEN COMMITTED VIOLATES THE EX-POST FACTO CLAUSE. MILLER V. FLORIDA, 482 U.S. 423-29 (1987).

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4. (PAROLE)-DISCIPLINARY
HEARING

DECLARATION
&
SUPPORTING LAW

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E-1. TO DESCRIBE, IMPENDING PAROLE HARM PLAINTIFF SHOWS DUE PROCESS, ETC. VIOLATIONS AT HEARING FOR CURRENT R.H.U. PLACEMENT, TO EFFECT JULY PAROLE 2004.

1. PLAINTIFF WAS DENIED REQUEST TO CALL ALLOWABLE WITNESS (OFFICER) TO THE HEARING OR OTHERS ON 4-29-04, SEE EXHIBITS. EXAMINER JONES FAISELY CONTENDED THAT PLAINTIFF DID NOT SUBMIT A WITNESS FORM.

2. EXAMINER: DONALD J. JONES THEN CALLED "ERB" (CODE)? UNKNOWN, WRITTEN AT TOP OF REPORT A-67146. THEN PROCEEDED TO CONVINCE PLAINTIFF, "TO REDUCE" SEVERITY OF VIOLATIONS, PLEAD ONLY TO BEING THE AUTHOR OF THE REQUEST. PLAINTIFF DID NOT HAVE A CHARGE OF ABUSIVE LANGUAGE ON THE REPORT. IT IS A TWO PART CHARGE. - PUNITIVE ACTION ALWAYS IMPLIES A LIBERTY INTEREST BECAUSE THE REQUIREMENT OF GUILT IS A SUBSTANTIVE LIMIT ON OFFICIAL DISCRETION. SEE GILBERT V. FRAZIER, 931 F.2d 1581 (7TH CIR 1991) QUOTING GREEN V. FERRELL, 801 F.2d 765 (6TH CIR. 1986). INQUIRY OF WHETHER A PROTECTABLE LIBERTY INTEREST EXISTS SHOULD FOCUS UPON THE NATURE OF THE ALLEGED DEPRIVATION & NOT THE LANGUAGE OF THE RELEVANT REGULATION. SEE SANDIN V. CONNER, 585 U.S. 472, 115 S.Ct. 2293-99, 132 L.Ed.2d 418 (1995). HOLDING THAT A PROTECTABLE LIBERTY INTEREST EXISTS IN PAROLE STATUTES THAT CREATE AN "EXPECTANCY OF RELEASE."

2A. UNIT MANAGEMENT APPROVAL & PAROLE PSYCH EVALUATION CREATES A WINDOW OF FREEDOM.

WHERE A PAROLE STATUTE CREATES "AN EXPECTATION OF PAROLE," AN INMATE HAS A PROTECTABLE LIBERTY INTEREST IN RELEASE, SEE BOARD OF PRISONERS V. ALLEN, 482 U.S. 369, 73, 107 S.Ct. 2415-18, (1987). PLAINTIFF WILL BE DEPRIVED OF ENTITLEMENT TO HAVE THE PAROLE BOARD EXERCISE "THEIR DISCRETION" TO DENY PAROLE - BLAIR-BEY V. QUICK, 159 F.3d 591, 104 (P.C. CIR. 1998), MILLER V. FLOREDA, 482 U.S. 423, 433-34, (1987).

* RESTRICTION FROM POPULATION PREVENTS-LAW LIBRARY ACCESS OR SHEPARDIZING.

CONTINUEDDECLARATION IN SUPPORT
OF
ORDER/MOTIONPAGE 6

F. PLAINTIFF HAS A CONSTITUTIONAL RIGHT TO APPEAL THE "KINTOCK GROUP" CONVICTION, UNDER AMERICANS WITH DISABILITIES ACT (A.D.A.) DISCRIMINATION, SERVE U.S. MARSHAL SUMMONS/CIVIL COMPLAINT. PLAINTIFF ALSO HAS THE RIGHT TO REHABILITATION (BENEFIT), TO ATTEND ~~SCHOOL~~ SCHOOL WITH OUT THE REPRISAL DENIAL DESCRIBED HERE IN; ~~SEE~~ (DOCUMENTS ATTACHED AS EXHIBITS).

G. PLAINTIFF STATES IRREPARABLE INJURY WILL OCCUR IN SEVERAL FORMS; CONTINUED HARRASSMENT, NO LAW LIBRARY TO EFFECTUATE SUMMONS RESPONSE, DENIAL OF PAROLE, ETC, AS COMPLETE SENTENCE WITH OUT PAROLE.

H. PLAINTIFF HAS NO ADEQUATE REMEDY AT LAW, NO AWARD OF DAMAGES IN THIS PRESENT MATTER, OR OTHER RELIEF WILL BE ADEQUATE TO PROTECT THIS PLAINTIFF FROM FUTURE VIOLATIONS, SEEKING RELIEF IS PROTECTED BY THE FIRST AMENDMENT, AND FOURTEENTH AMENDMENT, ETC, U.S.C.A. CONST. AMEND. 1, 14TH.

I. THE FACT THAT I HAVE NOT RECIEVED PERSONAL MAIL OTHER THAN CAR MAGAZINES, AND SOME INQUIRIES ON A.D.A. RIGHTS, I FILED MY LATE ^{(2001) TAX YEAR} 1040-A IRS INCOME TAX ON 1-10-04 & PERSONALLY MAILED IT ON THAT DATE. I MAILED TWO FOLLOW UP LETTERS CONCERNING THAT INQUIRY, AND HAVE NOT RECIEVED ANY RESPONSE YET. WHY?

J. A FACT FINDER CAN CONCLUDE FROM THOSE FACTS THAT THE CONTINUED RETALIATORY PLACEMENT IN PUNITIVE SEGREGATION WOULD "DETER A PERSON OF ORDINARY FIRMNESS FROM THE EXERCISE OF HIS FIRST AMENDMENT RIGHTS" SEE: SUPPAN, 203 F.3d AT 235. (INTERNAL QUOTATIONS OMITTED); SEE:

THADDEUS-X, 175 F.3d AT 396.

NOTE: ON 5-24-04 - DR. O.KALE, M.D. RE-APPROVED ME FOR PAROLE. RECIEVED WARDEN APPEAL ANSWER; DENIED RELIEF, BOTH ENCLOSED.

C.C.
TRIAL JUDGE
CLERK OF COURT
FILE

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FROM: J

J-1. PLAINTIFF WILL SUFFER WITHOUT AN INJUNCTION, MORE THAN "DALLAS OFFICIALS, ETC." IF THE INJUNCTION IS GRANTED. IT IS IN THE PUBLIC INTEREST TO ISSUE/GRANT THE INJUNCTION, FOR SHOWING THAT, STATE PRISON OFFICIALS ARE TO FOLLOW OR OBEY THE CONSTITUTION AND OTHER LAWS. PLEASE REFER TO: PENNSYLVANIA. D.O.C. V. YESKEY, 524 U.S. 206 (1998), & ROUSER V. HORN, 241 F.3d 330 (3rd CIR. 2001), (CONTINUING DEPREVIATION) SEE: ELROD V. BURNS, 427 U.S. 347 (1976).

FINAL

PLAINTIFF CONCLUDES THAT AN IMMEDIATE TRANSFER TO SCI-CHESTER, ETC CAN SATISFY THE RELIEF NEEDED TO MINIMIZE FUTURE INJURY OR RETALIATION OR PREVENT PAROLE RELEASE, AND RESPONSE TO THE SERVICE OF SUMMONS/ COMPLAINT ISSUED TO THE KINTOK GROUP APRIL 2004.

WHEREFORE, THE COURT SHOULD ISSUE A TEMPORARY RESTRAINING ORDER/PRELIMINARY INJUNCTION TO HELP PREVENT FURTHER RETALIATION OR ACTION AGAINST ANY INMATE WHO SUBMITTED ANY AFFIDAVIT ON BEHALF OF PLAINTIFF WHILE IN THE RESTRICTED HOUSING UNIT (R.H.U.), THE RESULT SEEKING TO PROTECT A REHABILITATIVE BENEFIT, AND/OR FOR FILING CIVIL CLAIM, APPEALING TO SUPERIOR COURT.

I, EDDY FELIZ, DECLARE UNDER PENALTY OF PERJURY, IN ACCORDANCE WITH 28 U.S.C. 1746 THAT THE ABOVE FACTS ARE TRUE & CORRECT. ALSO FOR THE RECORD THAT THE PARTIES DESCRIBED WERE AND ARE STILL PERSONALLY INVOLVED IN THE CONDUCTS THAT VIOLATE THE CONSTITUTION, STATE, AND/OR FEDERAL LAWS. FOR THOSE FOREGOING REASONS, RESPECTFULLY, THE COURT SHOULD GRANT THE MOTION ~~IN ITS~~ OR ORDER IN ITS ENTIRETY.

MAY 26, 2004DATED:

THE COURT, THE CLERK,
C.C. FILE

RESPECTFULLY
SUBMITTED

Eddy Feliz

#CK-0068
1000 FOLLIES RD
DALLAS, TX 75245-9515

U.S. DISTRICT COURT EASTERN DIST OF PA

EDDY FELIZ - PLAINTIFF

FILED

CIVIL ACTION

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V. THE KINTOCK GROUP, et al.
DEFENDANTS

JUN - 9 2004

MICHAEL E. KUNZ, Clerk

By

Dep. Clerk

AFFIDAVIT FOR EDDY FELIZ

MY NAME IS: Timothy Rex JOHNSON PRISON NUM. BW 7499
I AM AN INMATE AT S.C.I. DALLAS.

I, TIMOTHY R. JOHNSON, BEING FIRST DULY SWORN,
deposes AS FOLLOWS:... "IN THE INTEREST OF JUSTICE"

1). I VERIFY THAT WHILE AT THIS INSTITUTION I HAVE
EXPERIENCED RETALIATION AND UNLAWFUL HARASSMENT.

2). I HAVE ALSO BEEN SUBJECTED TO PLANNED SERIES
OF DISCIPLINARY ACTIONS, IN RETALIATION AS EDDY FELIZ
PLACED IN THE R.H.U. FOR INITIATING A CIVIL RIGHTS
SUIT AGAINST PRISON OFFICIALS AND GRIEVANCES FOR
RETALIATION ACTION.

I, TIMOTHY REX JOHNSON, DO HEREBY VERIFY THAT
THE FACTS SET FORTH IN THE ABOVE AFFIDAVIT ARE
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE
AND IS SUBJECT TO THE PENALTIES OF PERJURY.
PURSUANT TO 28 U.S.C. § 1746.

RESPECTFULLY,

Timothy R. Johnson

DATE: MAY 19, 2004

C.C., FILE: THE COURT, THE CLERK.